

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ANDREA WILLIAMS,

Petitioner,

ORDER

v.

09-cv-204-slc

PETER HUIBREGTSE, Warden,
Wisconsin Secure Program Facility,

Respondent.

This petition for a writ of habeas corpus was transferred to this court by the United States District Court for the Eastern District of Wisconsin. Petitioner seeks leave to proceed *in forma pauperis*. He has supported his request with a six-month trust account statement from the institution.

In determining whether to allow a prisoner to proceed in forma pauperis, this court uses the following formula. First, the court determines petitioner's average monthly deposits and his average monthly balances for the six-month period mentioned above. If 20% of the greater of these two figures is \$5 or more, the petitioner is not eligible for indigent status and will have to prepay all of the \$5 filing fee. If 20% of the greater of these two figures is less than \$5, he will be required to prepay whatever portion less than \$5 has been calculated.

Applying this formula to petitioner, I find that he is able to pay at least a portion of the filing fee. According to the trust account statement, in the past six months petitioner's

average monthly deposits have been \$11.95. (His average monthly balance in his regular account appears to be less than this amount.) Twenty percent of this figure is \$2.39. Accordingly, I will grant petitioner's application for leave to proceed *in forma pauperis* on the condition that he prepay \$2.39.

ORDER

IT IS ORDERED that the petition of Andrea Williams for leave to proceed *in forma pauperis* is GRANTED on the condition that he prepay the amount of \$2.39. Petitioner has until April 27, 2009 to pay this amount. If he fails to submit the partial filing fee by April 27, 2009, his petition may be dismissed for failure to prosecute it.

Entered this 8th day of April, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge